

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement		GRANT NUMBER (FAIN): 97269405 MODIFICATION NUMBER: 0 PROGRAM CODE: EA	DATE OF AWARD 03/27/2006	
			TYPE OF ACTION New		MAILING DATE 04/03/2006
			PAYMENT METHOD: Advance		ACH#
RECIPIENT TYPE: Indian Tribe			Send Payment Request to: Grants and Contracts Management Branch		
RECIPIENT: Saint Regis Mohawk Tribe 412 State Route 37 Akwesasne, NY 13655 EIN: 16-1007650			PAYEE: Saint Regis Mohawk Tribe 412 State Route 37 Akwesasne, NY 13655		
PROJECT MANAGER Ken Jock 412 State Route 37 Akwesasne, NY 13655 E-Mail: Phone: (518) 358-5937		EPA PROJECT OFFICER Rebecca Jamison 290 Broadway, DECA/WCB New York, NY 10007-1866 E-Mail: Jamison.Rebecca@epamail.epa.gov Phone: 212-637-3948		EPA GRANT SPECIALIST Cynthia Pabon Grants and Contracts Management Branch, OPM/GCMB E-Mail: pabon.cynthia@epa.gov Phone: 212-637-3405	
PROJECT TITLE AND DESCRIPTION ST. REGIS MULTI-MEDIA CAPACITY GRANT These funds will be used to build St Regis' enforcement capacity by providing training to its Tribal Environmental Compliance Officer, reviewing the characteristics of household hazardous waste handling practices on the St. Regis Mohawk Reservation; conducting training and education of Tribal members in the handling and disposal of household hazardous waste; and completion of remedial activities identified through previous survey and inspection of underground injection wells.					
BUDGET PERIOD 01/01/2006 - 12/31/2007		PROJECT PERIOD 01/01/2006 - 12/31/2007		TOTAL BUDGET PERIOD COST \$70,265.00	
				TOTAL PROJECT PERIOD COST \$70,265.00	
NOTICE OF AWARD					
Based on your Application dated 07/22/2005 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$70,265. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$70,265. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866			ORGANIZATION / ADDRESS U.S. EPA, Region 2 Division of Enforcement and Compliance Assistance 290 Broadway New York, NY 10007-1866		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
Digital signature applied by EPA Award Official Donna J. Vizian - Assistant Regional Administrator for Policy and Management				DATE 03/27/2006	

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 70,265	\$ 70,265
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 70,265	\$ 70,265

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.709 - Capacity Building Grants and Cooperative Agreements for States and Tribes	Safe Drinking Water Act: Sec. 1442(b) Solid Waste Disposal Act: Sec. 8001(c)(1)	40 CFR PART 31

[illegible]

Budget Summary Page: Capacity Building Grant-Enforcement & Compliance Assistance

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$28,921
2. Fringe Benefits	\$11,570
3. Travel	\$11,000
4. Equipment	\$0
5. Supplies	\$250
6. Contractual	\$0
7. Construction	\$0
8. Other	\$13,150
9. Total Direct Charges	\$64,891
10. Indirect Costs: % Base	\$5,374
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$70,265
12. Total Approved Assistance Amount	\$70,265
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$
15. Total EPA Amount Awarded To Date	\$

Administrative Conditions

1. RENT COSTS/TELEPHONE/INTERNET AND OTHER ALLOCATED DIRECT CHARGES

Costs for rent and other allocated direct charges cannot be charged to EPA assistance agreements until an allocation methodology has been approved by EPA. In order to charge a cost to an assistance agreement, the costs must be allocable to the agreement. A cost is considered allocable if the goods or services involved are chargeable or assignable to agreements in accordance with the benefit received. Since St. Regis Mohawk Tribe has included rent and other allocated direct charges in its budget, and these cost benefits more than one grant program, an allocation methodology for charging these costs to EPA assistance agreements is required. Within 30 days of receipt of this agreement, the recipient shall submit to the EPA Region 2 Grant and Contracts Management Branch its methodology for allocating rent and all other applicable costs to EPA assistance agreements.

2. FINANCIAL REQUIREMENTS

Under the Automated Standard Application for Payments (ASAP), the recipient initiates an electronic or voice-activated telephone payment request which is approved or rejected based on the amount of available funds authorized by EPA in the recipient's account. Approved funds are credited to the recipient organization at the financial institution identified on the recipient's ASAP enrollment application.

The recipient agrees to the following conditions in accepting this assistance agreement:

- (a) Cash draw down will be made only as actually needed for its disbursement;
- (b) The recipient will provide timely reporting of cash disbursements and balances as required;
- (c) The recipient will impose the same standards of timing and reporting on secondary recipients, if any.

Failure on the part of the recipient to comply with the above conditions may cause the undisbursed portions of the assistance agreement to be revoked and financing method changed to a reimbursable basis.

3. FINANCIAL STATUS REPORTS/GRANT CLOSEOUT

A) Interim Financial Status Reports (FSR)

An Interim Financial Status Report (FSR) is to be submitted to the EPA Grants and Contracts Management Branch 90 days after the anniversary of the project period start date. FSRs must be prepared in whole dollar amounts.

B) Final Financial Status Reports

In accordance with 40 CFR 30.52(a)(1)(iv) or 31.41(b)(4) as it applies, the recipient shall submit to the EPA, Region 2, Grants and Contracts Management Branch a "final" Financial Status Report (FSR) within 90 days after the expiration of the project period end date or the date of termination. FSRs must be prepared in whole dollar amounts.

EPA may extend the due date for submission of a final FSR upon a written request from the recipient. The recipient is required to submit an "interim" FSR to the EPA Region 2 Grants and Contracts Management Branch, along with this request.

C) Closeout

The Administrative Closeout Phase for this grant will be initiated with the submission of a "final" FSR. At that time, the recipient must submit the following forms/reports to the EPA Region 2 Grants and Contracts Management Branch, if applicable:

- Federally Owned Property Report
- An Inventory of all Property Acquired with federal funds
- Final Request for Payment (Standard Form 270)
- Contractor's or Grantee's Invention Disclosure Report (EPA Form 3340-3)

4. NEW RESTRICTIONS ON LOBBYING

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

5. LOBBYING AND LITIGATION CERTIFICATE

Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, within 90 days after the end of project period.

The recipient shall abide by OMB Circular A-87, which prohibits the use of federal grant funds for litigation against the United States.

6. DISADVANTAGED BUSINESS ENTERPRISES FOR TRIBAL RECIPIENTS

The recipient agrees to follow the six affirmative steps stated in 40 CFR 31.36(e) and to require its prime contractor to follow these affirmative steps if it awards subcontracts; the recipient also agrees to retain records documenting compliance.

The six affirmative steps contained in 40CFR 31.36(e) are as follows:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance of the Small Business Administration, and the Minority

Business Development Agency of the Department of Commerce; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in 1 - 5 above

The recipient agrees to submit an EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted to the Grants Management Specialist, Grants and Contracts Management Branch, 290 Broadway, New York, New York 10007 within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30 and October 30).

7. EXTENSION OF PROJECT/BUDGET PERIOD EXPIRATION DATE

If a no cost time extension is necessary to extend the period of availability of funds (budget period), the recipient must submit a written request, including a justification as to why additional time is needed and an estimated date of completion to the EPA, Region 2, Grants and Contracts Management Branch prior to the budget/project period expiration dates. An interim FSR must be submitted along with the request which covers all expenditures and obligations to date in whole dollar amounts.

8. RECYCLING AND WASTE PREVENTION

In accordance with EPA Order 1000.25 and Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration. Please note that Section 901 of E.O. 13101, dated September 14, 1998, revoked E.O. 12873, *Federal Acquisition, Recycling, and Waste Prevention* in its entirety.

9. SINGLE AUDITS

A recipient who expends more than \$500,000 annually in Federal funds is required to have an independent audit performed in accordance with the Office of Management and Budget (OMB) Circular A-133. The cost of such an audit is an allowable charge to your Federal grant awards on a prorated basis. If you have already met this requirement, please submit 2 copies of the latest independent audit report to the EPA, Grants and Contracts Management Branch within 30 days of the date of this award. If the required audit has not been performed, submit milestone dates for compliance with OMB Circular A-133 within 30 days of the date of this award to the EPA, Grants and Contracts Management Branch.

10. SUSPENSION AND DEBARMENT

Recipient shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at <http://epls.arnet.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

11. INDIRECT COST

No indirect costs may be drawn for any period of time not covered by an approved indirect agreement.

Programmatic Conditions

1. PERFORMANCE REPORTING AND FINAL PERFORMANCE REPORT

Performance Reports

The recipient shall submit, to the EPA Project Officer, Rebecca Jamison, Division of Enforcement and Compliance Assistance, Environmental Protection Agency, 290 Broadway, New York, NY 10007, **semi-annual** performance reports (preferably electronic copies) on, 06/30/06, 12/31/06, 06/30/07, and 12/31/07, referenced in the grantee's submitted work plan.. In accordance with 40 CFR §31.40(f) , the recipient agrees to include in performance reports submitted under this agreement brief information on each of the following areas:

- 1) a comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan;
- 2) reasons why anticipated outputs/outcomes were not met:
- 3) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs.

In accordance with 40 CFR §31.40(f), the recipient agrees that it will notify EPA of problems, delays, or adverse conditions which materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

Final Performance Report

The recipient agrees to submit two copies of the Final Performance Report to the EPA Project Officer. The Final Project Report is due within 90 days after the end of the budget/project period. The report will include any agreed-upon work-product(s) resulting from the project and the following:

- 1) an abstract or overview of the project including completed workplan activities;
- 2) a comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan;
- 3) reasons why anticipated outputs/outcomes were not met:
- 4) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs.
- 5) the methods to be used to effectively disseminate project information and/or continue the benefits of this project (although the project itself may not be continuing);
- 6) materials generated in connection with project activities (e.g., workshop announcements, newspaper/newsletter announcements, articles or releases, press packets, pamphlets, etc.).

2. PRE-AWARD COSTS

The recipient is authorized to charge preaward costs to the agreement from the beginning of the budget period provided that such costs were contained in the approved application.